

Notice of Allowability

Application No.

09/487,239

Examiner

Hai Vo

Applicant(s)

NABATA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/01/2006.
2. ☒ The allowed claim(s) is/are 6,9 and 12-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060803.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian K. Shelton on 07/26/2006.

The application has been amended as follows:

Claim 6:

6. (currently amended): A container holding an adsorbent, said container being made of at least two laminates joined to each other, wherein each laminate comprises an ultra high molecular weight polyolefin porous film and a polytetrafluoroethylene porous film, wherein the polytetrafluoroethylene porous film has an average pore size of 0.2 to 1.5 μm and a porosity of 60 to 95%,

~~wherein an average pore size of the ultra high molecular weight polyolefin porous film is 10 to 20 μm~~

wherein said ultra high molecular weight polyolefin porous film has a structure in which ultra high molecular weight polyolefin particles are linked together, forming pores among them, said ultra high molecular weight polyolefin particles having an average particle size of 15 to 85 μm .

Cancel claims 10 and 11.

Add claim 14:

14. (new): The container according to claim 6, wherein an average pore size of the ultra high molecular weight polyolefin porous film is 10 to 200 μm .

Terminal Disclaimer

The terminal disclaimer filed on 08/01/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,302,934 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Note that the examiner's amendment is sufficient to overcome the art rejections and sufficient to place the application in condition for allowance.

The combination of Dauber et al (US 5,538,545) in view of Takiguchi et al (US 5,804,074) and Harada et al (US 5,234,751) fails to teach or suggest a container, wherein the ultra high molecular weight polyolefin particles having an average particle size of 15 to 85 μm .

Dauber teaches a sorbent filter comprising at least one protective support layer 41, 44; at least one filter layer 42, 43; and an inner sorbent core 48 (figure 4B). Dauber teaches that the protective support layer is made of a porous expanded polyethylene film (claim 12). Dauber teaches that the filter layer is formed from a porous expanded PTFE film (claim 3). Dauber does not specifically disclose the support layer made of an ultra high molecular weight polyethylene (UHMWPE) porous film. Takiguchi, however, teaches a multilayer porous plastic filter comprising at least two layers formed by

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combining and unifying a small particle porous layer and a large particle porous layer (abstract). Takiguchi teaches the small particle porous layer made of polytetrafluoroethylene (PTFE) (claim 15, column 4, lines 21-25). Takiguchi teaches the large particle porous layer formed from UHMWPE particles linked together forming pores among them (column 4, lines 63-66). Takiguchi teaches the large particle porous layer having an average particle size of from 100 to 200 microns in view of the mechanical strength (column 5, lines 20-23). Takiguchi discloses that if the average particle size of the large particle porous layer is less than 90 microns, there is no need for forming the porous plastic filter in a multilayer structure (column 5, lines 25-28). Likewise, it is clearly apparent that the porous filter layer having an average particle size of less than 90 microns is self-supported. As such, there is no motivation to substitute the Takiguchi porous plastic filter having an average particle size of less than 90 microns for the Dauber protective layer because they serve different purposes. The porous plastic filter layer of Takiguchi provides excellent non-tackiness against dust and ability of collecting fine particles on the surface while the protective layer of Daubler is to add strength and durability to the filler layer.

The terminal disclaimer filed 08/01/2006 is sufficient to overcome the double patenting rejections based on US Patent 6,302,934.

The claims are not anticipated by US Patent 6,302,934. The present application and US Patent 6,302,934 were, at the time the invention was made, owned by, and subject to an obligation of assignment to *the same persons*. Accordingly, US Patent 6,302,934 cannot be used in rejections under 35 U.S.C 102(e) and 35 U.S.C 103(c).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai Vo

**HAIVO
PRIMARY EXAMINER**